



STATE OF NEW JERSEY

**FINAL ADMINISTRATIVE ACTION
OF THE
CIVIL SERVICE COMMISSION**

In the Matter of Jasmine Quiles,
Juvenile Detention Officer, Morris
County

CSC Docket No. 2019-1072

Administrative Appeal

ISSUED: June 13, 2019 (RE)

Jasmine Quiles, a Juvenile Detention Officer with Morris County, represented by Robert Chewning, Esq., appeals the provisional appointment of Eric Latham to Senior Juvenile Detention Officer, Morris County.

By way of background, in response to an internal vacancy posting, Morris County provisionally appointed, pending promotional examination procedures, Latham to the title of Senior Juvenile Detention Officer, effective October 6, 2018. Although Latham’s provisional appointment was not recorded in the County and Municipal Personnel System (CAMPS) until February 6, 2019, this agency approved the provisional appointment because there was no current promotional eligible list for Senior Juvenile Detention Officer for use in Morris County.¹

On appeal, the appellant asserts that she was “bypassed” for a provisional appointment to Senior Juvenile Detention Officer, and on the other hand, challenges the appointing authority’s need for a provisional appointment in that title. She maintains that the appointing authority failed to show that not making a provisional appointment would seriously impair the work of the appointing authority. *See N.J.S.A. 11A:4-13(b)*. She submits a memo from the Director of Juvenile Facilities, dated September 7, 2018, which indicates that Latham successfully completed the process and would be “promoted to the position of Sergeant” effective October 6, 2018. Nevertheless, the appellant argues that she is

¹ The promotional eligible list for Senior Juvenile Detention Officer (PC0573V), Morris County, containing the name of one eligible, was set to expire on July 22, 2020. However, the one eligible was appointed and that list is now exhausted.

more qualified, applied for the position, was interviewed, and was bypassed for the provisional position. She calls the process subjective and inconsistent and argues that Latham's appointment was an error. She requests a promotion to "permanent Sergeant," all documents relevant to Latham's appointment, back pay, costs, and counsel fees, and further relief as appropriate.

In response, the appointing authority states that no eligible list exists for Senior Juvenile Detention Officer, so there is no "bypass." Further, it maintains that it is normal for appointing authorities to make provisional appointments to positions to fill their needs when no list exists. It argues that Latham qualifies for the position and that its selection process was not subjective or inconsistent. In this regard, it maintains that it reviewed applications, and had the respondents write a letter regarding the position and their interest and qualifications for it. The respondents also had to write a memo regarding their response to a short fictional fact scenario that might be encountered by a Senior Juvenile Detention Officer, and answer other questions regarding their employer. Also, the respondents were interviewed, their personnel folders were evaluated, and supervisors were asked to rate the candidates based on their professionalism. The appointing authority indicated that the care and custody of the at-risk juvenile population relies on proper supervision of personnel to safely operate and meet standards. It states that a lack of supervision and support would impair the services provided to the juveniles.

CONCLUSION

N.J.A.C. 4A:4-1.5(a) states that a provisional appointment may be made only in the competitive division of the career service when all of the following conditions are met:

1. There is no complete list of eligibles, and no one remaining on an incomplete list will accept provisional appointment;
2. The appointing authority certifies that the appointee meets the minimum qualifications for the title at the time of the appointment; and
3. The appointing authority certifies that failure to make the provisional appointment will seriously impair its work.

Initially, the appellant responded to a vacancy posting, not a promotional announcement issued by this agency. Vacancy postings are initiated by an appointing authority and they are not monitored by this agency. Such postings are used by the appointing authority to generate a list of interested individuals to fill vacant positions. If a provisional appointment pending promotional examination

procedures results from the posting, the appointing authority must adhere to Civil Service rules and procedures regarding provisional appointments and examination announcements.

A provisional appointment (PA) means employment in the competitive division of the career service pending the appointment of a person from an eligible list. A regular appointment (RA) means the employment of a person to fill a position in the competitive division of the career service upon examination and certification. *See N.J.A.C. 4A:1-1.3*. Thus, an individual cannot be “bypassed” for a provisional appointment. The only regulatory requirement to make a provisional appointment, as it pertains to an appointee, is that he or she meet the minimum qualifications for the title at the time of the appointment. As Latham had more than one year of permanent service in the lower in-series title of Juvenile Detention Officer, he met the minimum qualifications for the title. Moreover, the appointing authority is not obligated to provide other candidates with the reasons why another eligible received a provisional appointment. As such, the appellant is not entitled to documents relevant to Latham’s provisional appointment.

Next, the appellant challenges the appointing authority’s need for a provisional appointment in that title. In order to ensure that the work of an appointing authority will not be adversely impacted by the absence of a list of interested eligibles for a specific position, *N.J.A.C. 4A:4-1.5(a)* provides for provisional appointments until a competitive examination and employment roster can be promulgated. This approach balances both the immediate needs of an appointing authority to staff critical positions with the underlying purpose of the Civil Service system to ensure that permanent appointments are made on the basis of merit and fitness. Acting within the parameters of the Civil Service law and rules, it is the appointing authority’s function to determine how to organize its functions and determine its staffing needs. Subsequently, this agency reviews the appointing authority’s actions to ensure that Civil Service rules have been followed and to advise appointing authorities to take corrective measures when they have not followed the rules. In the instant matter, the appointing authority determined that it needed to staff a position at the Senior Juvenile Detention Officer level. The appellant has not articulated any reason why the appointing authority should not make a provisional appointment to Senior Juvenile Detention Officer. As the burden of proof is on the appellant, she has not established that there was no basis to make a provisional appointment.

Furthermore, the appellant does not possess a vested property interest in a provisional appointment. Moreover, the appellant cannot be given a regular appointment pending promotional examination (RAP) to Senior Juvenile Detention Officer as she is not on an existing list. Rather, when this agency issues a promotional announcement, she can apply for that examination for potential placement and perspective employment consideration.

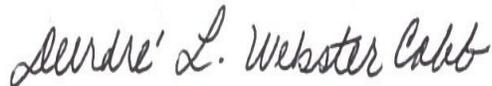
Accordingly, a thorough review of the record indicates that the appellant has failed to demonstrate entitlement to relief.

ORDER

Therefore, it is ordered that this appeal be denied.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE
CIVIL SERVICE COMMISSION ON
THE 12th DAY OF JUNE, 2019



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